

Remarks

This is a supplemental response to the Final Office Action mailed August 20, 2008.

Claims 1 – 11 are pending in the application.

Claim 2 is objected to for a formality.

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of Goode, U.S. Patent No. 6,718,552 (hereinafter “Goode”).

Claim 2 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of Goode in view of Eldering et al., U.S. Patent No. 7,150,030 (hereinafter “Eldering”).

Claims 1 – 5, 7, and 9 – 11 are rejected under 35 U.S.C. §102(b) as being anticipated by Rudrapatna et al., U.S. Patent No. 5,592,470 (hereinafter “Rudrapatna”).

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rudrapatna in view of Rao, U.S. Patent No. 5,940,738 (hereinafter “Rao”).

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR §1.116 because the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of

equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or simply is clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Claim Objections

Claim 2 was objected to for a formality in the Final Office Action mailed August 20, 2008. Claim 2 was amended to replace “; and” with “.” in the response mailed on October 20, 2008. Though not expressly indicated by the Examiner, it appears that the proposed amendment has been entered and the objection has been withdrawn. Accordingly, Applicant refers to claim 2 in the Listing of Claims above as “previously presented.” If Applicant is mistaken in this assumption, the Examiner is respectfully requested to indicate such a mistake.

Double Patenting Rejection

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of Goode. Claim 2 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of Goode in view of Eldering.

To overcome the double patenting rejection, Applicant submits herewith a Terminal Disclaimer in accordance with 37 C.F.R. §1.321. Therefore, the rejection should be withdrawn.

Rejection Under 35 U.S.C. §102

Claims 1 – 5, 7, and 9 – 11

Claims 1 – 5, 7, and 9 – 11 are rejected under 35 U.S.C. §102(b) as being anticipated by Rudrapatna. The rejection is traversed.

In the Advisory Action mailed December 03, 2008, the Examiner indicates that Applicant's arguments with respect to the §102(b) rejection have been found persuasive. Accordingly, the Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. §103

Claim 6

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rudrapatna in view of Rao. The rejection is traversed.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. §102 given Rudrapatna. Because the rejection under 35 U.S.C. §102 given Rudrapatna has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Rao supplies that which is missing from Rudrapatna to render the independent claims anticipated, this ground of rejection cannot be maintained.

Applicant respectfully requests the Examiner withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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